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11 *Attorneys for Plaintiff,*  
12 *Rachel Cross,*

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ARIZONA

16 Rachel Cross,

17 Plaintiff,

18  
19 vs.

20 Experian Information Solutions, Inc.,  
21 an Ohio corporation.

22 Defendant.  
23  
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Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COMES THE PLAINTIFF, RACHEL CROSS, BY AND THROUGH  
2 COUNSEL, TRINETTE G. KENT, and for her Complaint against the Defendant,  
3  
4 pleads as follows:

5 **JURISDICTION**

- 6  
7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d)  
8 and 28 U.S.C. §§1331,1337.  
9  
10 2. This is an action brought by a consumer for violation of the Fair Credit  
11 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

12 **VENUE**

- 13  
14 3. The transactions and occurrences which give rise to this action occurred in the  
15 City of Gilbert, Maricopa County, Arizona.  
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17 4. Venue is proper in the District of Arizona, Phoenix Division.

18 **PARTIES**

- 19  
20 5. The Defendant to this lawsuit is Experian Information Solutions, Inc.  
21 (“Experian”), which is an Ohio company that maintains a registered agent in  
22 Maricopa County, Arizona.  
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**GENERAL ALLEGATIONS**

6. Sometime before March 25, 2015, Plaintiff obtained her Experian credit file and noticed inaccuracies on the following trade lines (“Errant Trade Lines”):
- a. AFNI, Account Number: XXXX1975;
  - b. AFNI, Account Number: XXXX2108;
  - c. AFNI, Account Number: XXXX1162;
  - d. AFNI, Account Number: XXXX7649;
  - e. AFNI, Account Number: XXXX8010;
  - f. Camelback Finance, Account Number: XXXX0259;
  - g. Cox Comm,
  - h. Collection, Account Number: XXXX0000;
  - i. Collection, Account Number: XXXX0000;
  - j. Credit Control Bureau Inc, Account Number: XXXX0542
  - k. Crescent B&T, Account Number: XXXX3862;
  - l. Midland Fund, Accoun Number: XXXX4193; and
  - m. Qwest.
7. On or about March 25, 2015, Mrs. Cross submitted a letter to Experian, disputing the Errant Trade Lines.
8. On or about September 9, 2015, Mrs. Cross received a letter from Experian, stating that it received a suspicious request and determined that it was not sent by Mrs. Cross. Experian stated that it would not be initiating any disputes based on the suspicious correspondence and that it would apply this same policy to any future suspicious requests that it received.
9. Experian refused to investigate Mrs. Cross’ dispute, in violation of the Fair Credit Reporting Act.

**COUNT I**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EXPERIAN**

10.Plaintiff realleges the above paragraphs as if recited verbatim.

11.Defendant Experian prepared, compiled, issued, assembled, transferred,  
published, and otherwise reproduced consumer reports regarding Mrs. Cross as  
that term is defined in 15 USC 1681a.

12.Such reports contained information about Mrs. Cross that was false, misleading,  
and inaccurate.

13.Experian negligently failed to maintain and/or follow reasonable procedures to  
assure maximum possible accuracy of the information it reported to one or  
more third parties pertaining to Mrs. Cross, in violation of 15 USC 1681e(b).

14. After receiving Mrs. Cross' consumer dispute to the Errant Trade Lines,  
Experian negligently failed to conduct a reasonable reinvestigation as required  
by 15 U.S.C. 1681i.

15.As a direct and proximate cause of Experian's negligent failure to perform its  
duties under the FCRA, Mrs. Cross has suffered actual damages, mental  
anguish and suffering, humiliation, and embarrassment.

16.Experian is liable to Mrs. Cross by reason of its violation of the FCRA in an  
amount to be determined by the trier fact together with her reasonable  
attorneys' fees pursuant to 15 USC 1681o.

1       **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
2 against Experian for actual damages, costs, interest, and attorneys' fees.  
3

4                               **COUNT II**

5       **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
6       **BY EXPERIAN**

7       17.Plaintiff realleges the above paragraphs as if recited verbatim.

8       18.Defendant Experian prepared, compiled, issued, assembled, transferred,  
9       published, and otherwise reproduced consumer reports regarding Mrs. Cross as  
10       that term is defined in 15 USC 1681a.

11       19.Such reports contained information about Mrs. Cross that was false, misleading,  
12       and inaccurate.  
13

14       20.Experian willfully failed to maintain and/or follow reasonable procedures to  
15       assure maximum possible accuracy of the information that it reported to one or  
16       more third parties pertaining to Mrs. Cross, in violation of 15 USC 1681e(b).  
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18       21. After receiving Mrs. Cross' consumer dispute to the Errant Trade Lines,  
19       Experian willfully failed to conduct a reasonable reinvestigation as required by  
20       15 U.S.C. 1681i.  
21

22       22.As a direct and proximate cause of Experian's willful failure to perform its  
23       duties under the FCRA, Mrs. Cross has suffered actual damages, mental  
24       anguish and suffering, humiliation, and embarrassment.  
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1 23.Experian is liable to Mrs. Cross by reason of its violations of the FCRA in an  
2 amount to be determined by the trier of fact together with her reasonable  
3 attorneys' fees pursuant to 15 USC 1681n.  
4

5  
6 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
7  
8 against Experian for the greater of statutory or actual damages, plus punitive damages,  
9 along with costs, interest, and attorneys' fees.  
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12 **JURY DEMAND**

13 Plaintiff hereby demands a trial by Jury.  
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15  
16 DATED: February 3, 2016

NITZKIN & ASSOCIATES

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19 By: /s/ Trinette G. Kent  
20 Trinette G. Kent  
21 Attorneys for Plaintiff,  
22 Rachel Cross  
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